

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

JAY L. JONES	§	
	§	
v.	§	CIVIL ACTION NO. G-05-458
	§	
JO ANNE B. BARNHART,	§	
Commissioner of Social Security	§	

ORDER

Before the Court is Plaintiff Jay L. Jones' Motion for Attorney' s Fees under the Equal Access to Justice Act (" EAJA"). 28 U.S.C. § 2412(d). That statute provides, in part, that:

A Court shall award to a prevailing party [in certain suits against the United States] . . . fees and other expenses . . . unless the Court finds that the position of the United States was substantially justified.

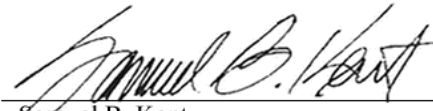
28 U.S.C. § 2412(d)(1)(A). Attorneys who successfully represent persons seeking benefits under the Social Security Act fall within the attorney' s fee provisions of the EAJA. *Herron v. Bowen*, 788 F.2d 1127 (5th Cir. 1986).

Plaintiff has submitted an itemized list of services showing that 30.2 hours were expended on this case. The EAJA provides that attorney' s fees shall be limited to \$125 an hour " unless the court determines that an increase in the cost of living . . . justifies a higher fee." 28 U.S.C. § 22412(d)(2)(A). Plaintiff claims the hourly rate should be set at \$155.16 for the work she performed in 2005, and at \$158.26 for the work she performed in 2006. Plaintiff bases the hourly rate on the Department of Labor' s Consumer Price Index (" CPI"), as it is calculated for the Dallas/Fort Worth area. She therefore seeks attorney' s fees in the amount of \$4,771.38. Plaintiff also claims costs and expenses totaling \$328.42.

Plaintiff filed this Motion on May 24, 2006. The Commissioner has not filed any response, nor has she requested an extension of time to do so.

For all these reasons, the Court finds that Plaintiff's Motion for Attorney's Fees (Instrument No. 14) is **GRANTED** in the amount of \$5,099.80.

DONE in Galveston, Texas, this 21st day of August, 2006.



Samuel B. Kent
United States District Judge